

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

FORREST LINTHICUM,)	
)	
Plaintiff,)	
)	
v.)	
)	
NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. d/b/a)	
NEW ENGLAND)	
COMPOUNDING CENTER,)	Civil Action No. 7:12-cv-585
)	
and)	
)	
IMAGE GUIDED PAIN)	
MANAGEMENT, P.C., d/b/a)	
INSIGHT IMAGING ROANOKE,)	
)	
Defendants.)	

**PLAINTIFF'S NOTICE OF DISMISSAL OF DEFENDANT
IMAGE GUIDED PAIN MANAGEMENT, P.C.**

COMES NOW the Plaintiff, by counsel, and represents to the Court that Defendant Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke has not yet served either an Answer or a Motion for Summary Judgment in this action. The Plaintiff hereby files this Notice of Dismissal, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke from this action without prejudice to any subsequent action the Plaintiff may institute against Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke in any Court of competent jurisdiction.

The Plaintiff further represents to the Court that it is the Plaintiff's intention that this action continue as to any and all claims that the Plaintiff has against the remaining

Defendant, New England Compounding Pharmacy, Inc. d/b/a New England
Compounding Center.

Respectfully submitted,

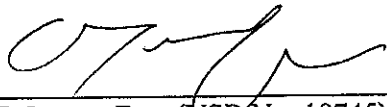
FORREST LINTHICUM

By: 

Russell W. Updike, Esq.
Nolan R. Nicely, J., Esq.
Jennifer K. M. Crawford, Esq.
WILSON, UPDIKE & NICELY
North Maple Avenue
P.O. Drawer 590
Covington, Virginia 24426
(540) 962-4986
(540) 962-8423 {fax}

Counsel for Plaintiff

Seen and Agreed:

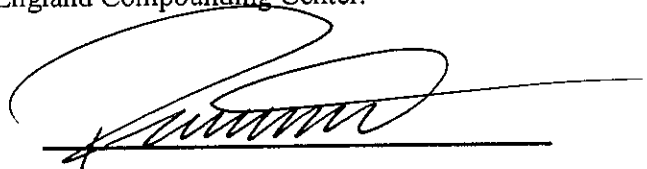


John T. Jessee, Esq. (VSB No. 18745)
Nancy F. Reynolds, Esq. (VSB No. 38236)
Michael P. Gardner, Esq. (VSB No. 80380)
LeClairRyan, A Professional Corporation
1800 Wells Fargo Tower
Drawer 1200
Roanoke, Virginia 24006
(540) 510-3000 (telephone)
(540) 510-3050 (facsimile)

*Counsel for Defendant Image Guided Pain
Management, P.C.*

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to michael.garnder@leclairryan.com, counsel for Defendant Image Guided Pain Management, P.C. d/b/a Insight Imaging Roanoke, and to rebecca.herbig@bowmanandbrooke.com, counsel for Defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

A handwritten signature in black ink, appearing to be "Summer", is written over a horizontal line.